

Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption

COUNCIL DIRECTIVE 2001/114/EC
of 20 December 2001

relating to certain partly or wholly dehydrated preserved milk for human consumption

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas:

- (1) Certain vertical Directives relating to foodstuffs should be simplified to take account only of the essential requirements to be met by the products they cover so as to allow those products to move freely within the internal market, in accordance with the conclusions of the European Council held in Edinburgh on 11 and 12 December 1992, as confirmed by those of the European Council in Brussels on 10 and 11 December 1993.
- (2) Council Directive 76/118/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to certain partly or wholly dehydrated preserved milk for human consumption⁽⁴⁾ was justified by the fact that differences between national laws concerning preserved milk could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the establishment and functioning of the common market.
- (3) Directive 76/118/EEC was consequently designed to lay down definitions and common rules governing the composition, manufacturing specifications and labelling of certain preserved milk, so as to ensure its free movement within the Community.
- (4) Directive 76/118/EEC should be brought into line with general Community legislation on foodstuffs, particularly legislation on labelling, authorised additives, hygiene and the health rules laid down in Council Directive 92/46/EEC⁽⁵⁾.
- (5) For the sake of clarity, Directive 76/118/EEC should be recast in order to make the rules on the conditions for the production and marketing of certain partly or wholly dehydrated preserved milk for human consumption more accessible.
- (6) The general food-labelling rules laid down in Directive 2000/13/EC of the European Parliament and of the Council⁽⁶⁾ should apply subject to certain conditions.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (7) Subject to Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs⁽⁷⁾, the addition of vitamins to the products defined in this Directive is authorised in certain Member States. However, no decision can be taken to extend such authorisation to the Community as a whole. Member States are therefore free to authorise or prohibit the addition of vitamins to their national products although the free movement of goods within the Community is, in any case, to be guaranteed in accordance with the rules and principles deriving from the Treaty.
- (8) For products intended for infants, Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae⁽⁸⁾ applies.
- (9) In accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of laying down common definitions and rules for the products concerned and bringing the provisions into line with general Community legislation on foodstuffs cannot be sufficiently achieved by the Member States and can therefore, by reason of the nature of this Directive, be better achieved by the Community. This Directive does not go beyond what is necessary in order to achieve the said objective.
- (10) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁹⁾.
- (11) To avoid creating new barriers to free movement, Member States should refrain from adopting, for the products in question, national provisions not provided for by this Directive,

HAS ADOPTED THIS DIRECTIVE:

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) [OJ C 231, 9.8.1996, p. 20.](#)
- (2) [OJ C 279, 1.10.1999, p. 95.](#)
- (3) [OJ C 56, 24.2.1997, p. 20.](#)
- (4) [OJ L 24, 30.1.1976, p. 49.](#) Directive as last amended by the 1994 Act of Accession.
- (5) [OJ L 268, 14.9.1992, p. 1.](#) Directive as last amended by Directive 94/71/EC ([OJ L 368, 31.12.1994, p. 33.](#))
- (6) [OJ L 109, 6.5.2000, p. 29.](#)
- (7) [OJ L 276, 6.10.1990, p. 40.](#)
- (8) [OJ L 175, 4.7.1991, p. 35.](#) Directive as last amended by Directive 1999/50/EC ([OJ L 139, 2.6.1999, p. 29.](#))
- (9) [OJ L 184, 17.7.1999, p. 23.](#)